



United States Department of State

Washington, D.C. 20520

December 20, 2011

Mr. Jason Smathers
Muck Rock
185 Beacon St. #3
Sommerville, MA 02143
Case Control Number: 201106112

Dear Mr. Smathers:

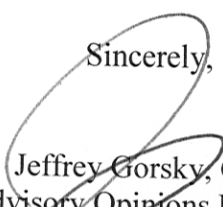
I refer to your request under the Freedom of Information Act for copies of records pertaining to your client, Ahmed Wali Karzai. Inasmuch as your request relates to visa matters, the Visa Office of the State Department has searched its records, located, and reviewed two documents, totaling five pages, relating to your request.

The Freedom of Information Act generally provides for public access to government records. However, it specifically exempts from disclosure those records which are otherwise specifically protected from release by statute (5 U.S.C. § 552 (b)(3)). Section 222(f) of the Immigration and Nationality Act (8 U.S.C. § 1202 (f)), relating to the information contained in the records of the Department of State pertaining to the issuance or refusal of visas or permits to enter the United States, is such a statute.

The two documents in question pertain to State Department records relating to the application for a visa or permit to enter the United States. As such, they are separately protected from disclosure by Section 222(f) and are exempt from release by the (b)(3) exemption to the Freedom of Information Act.

This decision may be appealed to the Chairman of the Appeals Review Panel of the Department pursuant to Section 171.52 Title 22 of the Code of Federal Regulations. For your information, a copy of this regulation is enclosed.

Sincerely,


Jeffrey Gorsky, Chief
Advisory Opinions Division
Directorate for Visa Services

Enclosure:
As stated

FOR INTERNAL VO USE ONLY
NOT TO BE SUBMITTED TO REQUESTER

FOIA DOCUMENT LIST

Requester: Smathers, Jason
Alien: Karzai, Ahmad Wali
FOIA No. 201106112
VOIS No. 154785081

<u>Doc.</u>	<u>Description</u>	<u>Review Result</u>	<u>Pages</u>
V1	CLASS Namecheck Report	do not release	4
V2	Independent Lookout Accountability	do not release	1

Code of Federal Regulations

Title 22—Foreign Relations, Chapter I—Department of State Part 171—Availability of Information and Records to the Public Subpart F—Appeal Procedures

Sec. 171.52 Appeal of denial of access to, declassification of, amendment of, accounting of disclosures of, or challenge to classification of records.

(a) *Right of administrative appeal.* Except for records that have been reviewed and withheld within the past two years or are the subject of litigation, any requester whose request for access to records, declassification of records, amendment of records, accounting of disclosures of records, or any authorized holder of classified information whose classification challenge has been denied, has a right to appeal the denial to the Department's Appeals Review Panel. This appeal right includes the right to appeal the determination by the Department that no records responsive to an access request exist in Department files. Privacy Act appeals may be made only by the individual to whom the records pertain.

(b) *Form of appeal.* There is no required form for an appeal. However, it is essential that the appeal contain a clear statement of the decision or determination by the Department being appealed. When possible, the appeal should include argumentation and documentation to support the appeal and to contest the bases for denial cited by the Department. The appeal should be sent to: Chairman, Appeals Review Panel, c/o Appeals Officer, A/RPS/IPS/PP/LC, U.S. Department of State, SA-2, Room 8100, Washington, DC 20522-8100.

(c) *Time limits.* The appeal should be received within 60 days of the date of receipt by the requester of the Department's denial. The time limit for response to an appeal begins to run on the day that the appeal is received. The time limit (excluding Saturdays, Sundays, and legal public holidays) for agency decision on an administrative appeal is 20 days under the FOIA (which may be extended for up to an additional 10 days in unusual circumstances) and 30 days under the Privacy Act (which the Panel may extend an additional 30 days for good cause shown). The Panel shall decide mandatory declassification review appeals as promptly as possible.

(d) *Notification to appellant.* The Chairman of the Appeals Review Panel shall notify the appellant in writing of the Panel's decision on the appeal. When the decision is to uphold the denial, the Chairman shall include in his notification the reasons therefore. The appellant shall be advised that the decision of the Panel represents the final decision of the Department and of the right to seek judicial review of the Panel's decision, when applicable. In mandatory declassification review appeals, the Panel shall advise the requester of the right to appeal the decision to the Interagency Security Classification Appeals Panel under Sec. 3.5(d) of E.O. 12958.